

Daniel A. Frishberg

*Pro Se*

**UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK**

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In re:

CELSIUS NETWORK LLC, *et al.*,<sup>1</sup>

Debtors.

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Chapter 11

Case No. 22-10964 (MG)

(Jointly Administered)

The Honorable Martin Glenn

Chief Bankruptcy Judge

United States Bankruptcy Court for the Southern District of New York

Alexander Hamilton U.S. Custom House

One Bowling Green New York, NY 10004

**Re: *In re Celsius Network LLC*, et al., Case No. 22-10964 (MG) Written Response To Mr. Davis's Letter Re: Discovery Dispute**

Dear Chief Judge Glenn:

Mr. Davis filed a letter<sup>2</sup> (the "Davis Letter") at D.R 3742, in response to my letter<sup>3</sup> (the "Letter") filed at D.R. 3724. In the Davis Letter, Mr. Davis makes numerous false, inflammatory, and defamatory statements. Mr. Davis purports that I think "this [the court, and the case] is a

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<sup>1</sup> The Debtors in these chapter 11 cases, along with the last four digits of each Debtor's federal tax identification number, are: Celsius Network LLC (2148); Celsius KeyFi LLC (4414); Celsius Lending LLC (8417); Celsius Mining LLC (1387); Celsius Network Inc. (1219); Celsius Network Limited (8554); Celsius Networks Lending LLC (3390); Celsius US Holding LLC (7956); GK8 Ltd. (1209); GK8 UK Limited (0893); and GK8 USA LLC (9450). The location of Debtor Celsius Network LLC's principal place of business and the Debtors' service address in these chapter 11 cases is 50 Harrison Street, Suite 209F, Hoboken, New Jersey 07030.

<sup>2</sup> <https://cases.stretto.com/public/x191/11749/PLEADINGS/1174910102380000000077.pdf>

<sup>3</sup> <https://cases.stretto.com/public/x191/11749/PLEADINGS/11749100623800000000116.pdf>

joke”. That is totally and completely false. I do not believe, nor have I ever believed that this Court (or any court) “is a joke”.

Contrary to his assertion that I “filed a Subpoena with this court at Docket 3724 for the production of documents, indicating that he served said Subpoena to me by Twitter”, I, as the subpoena states (*See Exhibit A*) served him “[v]ia email to [otisd1234@icloud.com](mailto:otisd1234@icloud.com) *and* via “X” (Twitter) to @Otisa502”. (Emphasis added). The email which I served him at was filed on the docket previously by the UCC as Mr. Davis’s. Mr. Davis’s incorrect assertion that “he’s not allowed to contact me in any way, shape or form” is false. That is an ethical obligation that only applies to attorneys. I am not an attorney, nor have I ever purported to be.

Mr. Davis’s assertion that I have “I’m basically practicing law in the Celsius Networks bankruptcy case” stated in my LinkedIn bio is categorically false (*See Exhibit B*). My LinkedIn<sup>4</sup> bio (attached in footnote) says “When my bio says law practice, it’s only because I was forced to pick one by LinkedIn, and I’m basically being my own, Pro Se representative in the Celsius Networks bankruptcy case” (Emphasis added). The reason it says “law practice” is since it forced me to pick an industry in which I work, and that is the best option I can find. I am interested in a career in law (as well as other fields), but there was not an option that I could find which allowed me to list myself as a student. Mr. Davis is using an approximately 10 month old screenshot, which I have since rephrased, since I found a better way of explaining being *pro se* in an extremely limited amount of characters (I have gotten numerous messages in which I was both confused as another Daniel Frishberg who has plead guilty to various SEC violations, as well as messages asking if I was the Daniel Frishberg participating in the Celsius case).

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<sup>4</sup> <https://www.linkedin.com/in/daniel-frishberg-611098258>

Mr. Davis admitted to what he purports is “play[ing<sup>5</sup>] a joke back on him [Mr. Frishberg] and changed his Subpoena around and put his name in it and served it back to him on Twitter”. His claim that he “thought [the subpoena] was a fake Subpoena and was some sick joke that he was playing on me, since the Subpoena was served on Twitter” is fairly ridiculous both the Tweet, and the email contained the following:

“PLEASE TAKE NOTICE that the attached subpoena has been issued, and signed by the Clerk Of The Court.

PLEASE TAKE FURTHER NOTICE that this is not a request, but a lawfully issued subpoena.

PLEASE TAKE FURTHER NOTICE that any and all communications with relation to CEL, and the CEL short squeeze MUST be turned over (as you know, you are able to assert privilege in stances that it exists, such as attorney client privilege), as must all the other requested materials.

PLEASE TAKE FURTHER NOTICE that you are officially being notified that you must not, and cannot destroy, delete, modify, any and all information that is being requested, or that may be requested in the future. This is called a litigation hold, and I am formally requesting you institute a litigation hold.

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<sup>5</sup> “ed” removed.

PLEASE TAKE FURTHER NOTICE that you ARE COMMANDED to produce any and all requested documents by October 4th, at 6pm EST (Eastern Standard Time (US)), 2023.

Best Regards, Daniel Frishberg”

I cannot see how any reasonable person can interpret that as a joke. It *plainly and unambiguously* stated that “**this is not a request, but a lawfully issued subpoena**” (Emphasis added) and the “**subpoena has been issued, and signed by the Clerk Of The Court**” (Emphasis added).

Mr. Davis stated that if I wanted documents, all I “had to do is ask White & Case for those documents”. I did not requested the documents from White & Case since (1). I did not know they had the documents. (2). If I did ask, I doubt they would have provided them, as they have shown hesitancy to provide discovery in the past.

Mr. Davis falsely, in a defamatory fashion stated that I “further indicated 10 months ago that he will have the Celsius estate spend millions of dollars on his “practicing law” motions because he will file one frivolous motion after the other just so that White & Case and Kirkland & Ellis have to respond to those motions, thereby billing the Celsius estate millions of dollars, all in an attempt at “practicing law in the Celsius Bankruptcy case.”.” This is 100%, completely, totally, categorically false. I never said that I “will have the Celsius estate spend millions of dollars on his “practicing law” motions because he will file one frivolous motion after the other just so that White & Case and Kirkland & Ellis have to respond to those motions, thereby billing

the Celsius estate millions of dollars”. These defamatory statements should be struck from the record. Mr. Davis concludes with even more inflammatory rhetoric, and states that I am: “a miserable man “practicing law” in your courtroom and on a mission to cost the Celsius estate millions of dollars based on his \$3,500 claim, and then boldly say on Twitter Spaces that I don’t deserve to have a claim worth \$1.2 million”. He is partially correct. I have stated that Mr. Davis does not deserve to have a claim worth \$1.2 million, since the CEL token is worthless. Even if the CEL token was assigned a value, Mr. Davis, in my opinion, should have his claim (the CEL part of it at least) subordinated due to his involvement in the CEL short squeeze. He falsely says that “CEL Short Squeeze ever happened prior to the Pause”.

In summary, Mr. Davis admits to getting a valid subpoena, and has thus far not complied with it. Mr. Davis should be ordered to comply with it. He suggests that I should be sanctioned, but if anyone should be sanctioned it is him. He not only wrote a letter full of inaccuracies, but most importantly, knowingly failed to comply with a subpoena which he obviously received. I do not take pleasure in writing this Letter to the court, but it sets a dangerous precedent to allow someone to ignore a lawfully issued subpoena. No one is above the law, not the President of the United States<sup>6</sup>, and certainly not Mr. Davis.

Sincerely,

/s/Daniel A. Frishberg

Daniel A. Frishberg, *Pro Se*

10/10/2023

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<sup>6</sup> There obviously is a huge asterisk here, as they have immunity when it is in their official capacity.

**Exhibit A:**

☒ I served the subpoena by delivering a copy to the named person as follows: Via email to otisd1234@icloud.com  
and via "X" (Twitter) to @otisa502  
\_\_\_\_\_ on (date) 09/29/2023 ; or

**Exhibit B<sup>7</sup>:**

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<sup>7</sup> Screenshot take 10/10/2023.



## Daniel Frishberg

When my bio says law practice, it's only because I was forced to pick one by LinkedIn, and I'm basically being my own, Pro Se representative in the Celsius Networks bankruptcy case

Tampa, Florida, United States

26 followers · 25 connections